

## **REMARKS/ARGUMENTS**

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided.

Applicant submits that the instant amendment is proper for entry after final rejection. Applicant notes that no question of new matter or any new issues are raised by entry of the instant amendment of the claims, and that no new search is required.

Moreover, Applicant submits that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicant requests that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Upon entry of the above amendments, claims 1, 3 and 12 will have been amended. Claims 1-12 are currently pending. Applicant respectfully requests reconsideration of the rejections, and allowance of all the claims pending in the present application.

### ***Claim Objection***

In the Official Action, the Examiner objected to claim 12 for lacking antecedent basis. In this regard, Applicant submits that claim 12 has been amended, where appropriate, in order to address the Examiner's concerns. Accordingly, Applicant

submits that the aforementioned objection is believed to be moot and should be withdrawn.

***Listing of Rejections Under 35 U.S.C. § 102***

In the Official Action, the Examiner rejected claims 3, 4 and 12 under 35 U.S.C. § 102(b) as being anticipated by SMITH (U.S. Patent No. 4,462,785); and

the Examiner rejected claims 1, 2, 5-7, 9 and 11 under 35 U.S.C. § 103(a) as being unpatentable over WATAYA (JP 06270938) in view of SMITH.

Without acquiescing to the propriety of the Examiner's rejections, Applicant submits that claims 1 and 3 have been amended solely in order to expedite prosecution of the present invention.

In particular, amended claim 1 sets forth a method for making pallets including: preparing unwoven fabric of randomly tangled plant fibers; impregnating the unwoven fabric with resin to provide a sheet of base material; sandwiching and pressurizing the sheet of base material between upper and lower metal molds having a plurality of hot-air vents, providing the plurality of hot-air vents extending through the upper and lower molds such that the plurality of hot-air vents are spaced at regular intervals throughout substantially an entire confronting surface of the upper and lower molds, the plurality of hot-air vents having varying lengths; and heating the sheet of base material sandwiched by hot air blowing from one to the other metal mold via the hot-air vents to shape the sheet of base material into a pallet with recesses formed on its surface by the hot-air vent.

Amended claim 3 sets forth an apparatus for making pallets including: upper and lower metal molds confronting each other to define confronting areas; a plurality of hot-

air vents extending through the upper and lower molds, the plurality of hot-air vents are spaced at regular intervals throughout substantially the entire confronting areas, the plurality of hot-air vents having varying lengths; and a hot-air generator having a hot-air outlet and a hot-air inlet to which the hot-air vents of the upper and lower metal molds are connected respectively, thereby permitting hot air to circulate and pass through between the upper and lower metal molds via the hot-air vents to provide a pallet with recesses formed on its surface by the hot-air vents.

In setting forth each of the rejections, both relying on SMITH as a basis, the Examiner asserts, inter alia, that SMITH discloses hot air vents 46 extending though the molds 26 and 27 at regular intervals.

However, contrary to the Examiner's assertions, Applicant submits that the device of SMITH is very different structurally from the presently claimed invention.

More specifically, Applicant submits that elements 46 in SMITH, which the Examiner considers to be equivalent to the presently claimed air vents, are apparently of equal length (see, e.g., Figure 4 of SIMTH).

Thus, Applicant submits that the applied prior art, alone or in any properly reasoned combination, fails to disclose the plurality of air vents having varying lengths (see, e.g., Figure 1 of the present specification), as recited in the proposed amendments to claims 1 and 3.

In this regard, Applicant submits that WATAYA does not disclose anything which can reasonably be considered to supply the deficiencies of SMITH for reasons discussed supra.

Further, Applicants submit that the present invention has at least an advantage over the applied prior in that the plurality of air vents, having varying lengths, form recesses on the pallet, such that the pallet has an irregular surface, thereby preventing goods from slipping off of the pallet (see, page 4, lines 17 and 18 of the present Specification).

Additionally, Applicant notes that claim 1 generally recites that hot air blows from one metal mold to the other, and claim 3 generally recites that hot air circulates and passes between the upper and lower metal molds.

However, Applicant submits that SMITH *merely* discloses evacuating fumes (see both claim 4 and column 4, lines 32-37, of SMITH).

Thus, Applicant submits that SMITH fails to disclose at least the presently claimed hot air blowing from one metal mold to the other, as generally recited in claim 1; and hot air circulating passing between the upper and lower metal molds, as generally recited in claim 3.

Further, Applicant notes that both claims 11 and 12 generally recite that the circumferential extending hot air vents are provided on a circumference of the upper and lower molds.

Contrary to the Examiner's assertions, Applicant submits that Figure 3 of SMITH clearly illustrates the vents 46 being provided entirely proximate the inner confronting surfaces of the molds 26, 27.

Thus, Applicant submits that SMITH fails to disclose circumferential extending hot air vents provided on a circumference of the upper and lower molds, as generally

recited in dependent claims 11 and 12 (and as described in page 4, lines 3 and 4 of the present Specification).

Accordingly, Applicant submits that the rejections of claims 1-12 under 35 U.S.C. §§ 102 and 103 are improper and should be withdrawn.

***Conclusion***

In view of the amendments and arguments herein, Applicant submits that independent claims 1 and 3 are in condition for allowance. With regard to dependent claims 2 and 4-12, Applicant asserts that these claims are allowable on their own merit, as well as because their respective dependencies from independent claims 1 and 3 which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

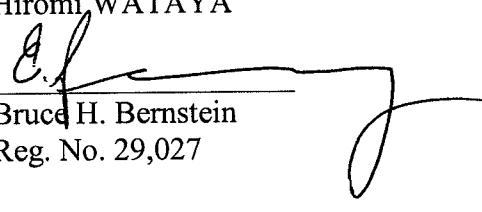
Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicant notes the status of the present application as being an after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicant notes amendments after final are not entered as a matter of right; however, Applicant submits that the present amendment does not raise new issues or the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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